

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

DONALD H. JENKINS, #31663-018)	
)	
Plaintiff,)	Civil Action No.: 3:10-1968-MGL
)	
v.)	OPINION AND ORDER
)	
MR. SIMMONS, FOOD SERVICE)	
ADMINISTRATOR; AND)	
MR. SIMON, COOK FORMAN)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se¹, filed this action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation (“Report”). Magistrate Judge McCrorey issued his Report on June 14, 2012 recommending that the Court grant Defendants’ Motion for Summary Judgment. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so.

The Magistrate Judge only makes a recommendation to the court. It has no presumptive weight, and the Court retains the responsibility for making a final determination. *Mathews v. Weber*, 423 U.S. 261, 269, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection

¹At the time of the alleged incidents, Plaintiff was incarcerated at the Federal Correctional Institution in Bennettville, South Carolina. Plaintiff is currently incarcerated at the Federal Correctional Institution in Talladega, Alabama.

is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

After conducting a de novo review as to Plaintiff's response to the Report, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge and Plaintiff's response, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

“[W]hen a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations,” de novo review is unnecessary. *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982) (citations omitted); *see also Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir.2005).

Petitioner timely filed objections to the Magistrate Judge's Report. The Court finds that Petitioner's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report, and consist of a reassertion of the arguments made in his petition. Thus, Plaintiff's objections are without merit.

Accordingly, after a thorough review of the Magistrate Judge's Report and the record in this case, the court accepts the Magistrate Judge's Report and Recommendation. Defendants' Motion for Summary Judgment is GRANTED and this action is DISMISSED. Further, all remaining motions are deemed MOOT.

IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

November 28, 2012
Spartanburg, South Carolina

